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**AMENDMENT TO H.R. \_\_\_\_\_****OFFERED BY MR. BERMAN OF CALIFORNIA**

At the appropriate place in the bill, insert the following:

1                   **TITLE \_\_\_\_\_ —NUCLEAR**  
2                   **NONPROLIFERATION**

3   **SEC. \_\_\_\_ . WITHDRAWAL FROM THE TREATY ON THE NON-**  
4                   **PROLIFERATION OF NUCLEAR WEAPONS.**

5           (a) STATEMENT OF POLICY.—It is the policy of the  
6 United States to oppose the withdrawal from the Treaty  
7 on the Non-Proliferation of Nuclear Weapons (in this sec-  
8 tion referred to as the “Treaty”) of any country that is  
9 a party to the Treaty and to use all political, economic,  
10 and diplomatic means at its disposal to deter, prevent, or  
11 reverse any such withdrawal from the Treaty.

12          (b) PROHIBITION ON CERTAIN ASSISTANCE.—Not-  
13 withstanding any other provision of law, no assistance  
14 (other than humanitarian assistance) under any provision  
15 of law may be provided to a country that has withdrawn  
16 from the Treaty on or after the date of the enactment  
17 of this Act.

18          (c) RETURN OF ALL UNITED STATES-ORIGIN MATE-  
19 RIALS AND EQUIPMENT.—The United States shall seek

1 the return of any material, equipment, or components  
2 transferred under an agreement for civil nuclear coopera-  
3 tion that is in force pursuant to section 123 of the Atomic  
4 Energy Act of 1954 (42 U.S.C. 2153) on or after the date  
5 of the enactment of this Act, and any special fissionable  
6 material produced through the use of such material, equip-  
7 ment, or components previously provided to a country that  
8 withdraws from the Treaty.

9 **SEC. \_\_\_\_ . PROHIBITION ON ASSISTANCE TO STATE SPON-**  
10 **SORS OF PROLIFERATION OF WEAPONS OF**  
11 **MASS DESTRUCTION.**

12 (a) **PROHIBITION ON ASSISTANCE.**—The United  
13 States shall not provide any assistance under Public Law  
14 87–195, Public Law 90–629, the Food for Peace Act, the  
15 Peace Corps Act, or the Export-Import Bank Act of 1945  
16 to any country if the Secretary of State determines that  
17 the government of the country has repeatedly provided  
18 support for acts of proliferation of equipment, technology,  
19 or materials to support the design, acquisition, manufac-  
20 ture, or use of weapons of mass destruction or the acqui-  
21 sition or development of ballistic missiles to carry such  
22 weapons.

23 (b) **PUBLICATION OF DETERMINATIONS.**—Each de-  
24 termination of the Secretary of State under subsection (a)  
25 shall be published in the Federal Register.

1 (c) RESCISSION.—A determination of the Secretary  
2 of State under subsection (a) may not be rescinded unless  
3 the Secretary submits to the appropriate congressional  
4 committees—

5 (1) before the proposed rescission would take  
6 effect, a report certifying that—

7 (A) there has been a fundamental change  
8 in the leadership and policies of the government  
9 of the country concerned;

10 (B) the government is not supporting acts  
11 of proliferation of equipment, technology, or  
12 materials to support the design, acquisition,  
13 manufacture, or use of weapons of mass de-  
14 struction; and

15 (C) the government has provided assur-  
16 ances that it will not support such acts in the  
17 future; or

18 (2) at least 45 days before the proposed rescis-  
19 sion would take effect, a report justifying the rescis-  
20 sion and certifying that—

21 (A) the government of the country con-  
22 cerned has not provided any support for acts of  
23 proliferation of equipment, technology, or mate-  
24 rials to support the design, acquisition, manu-

1           facture, or use of weapons of mass destruction  
2           during the preceding 24-month period; and

3                 (B) the government has provided assur-  
4           ances that it will not support such acts of pro-  
5           liferation in the future.

6         (d) WAIVER.—The President may waive the require-  
7         ments of subsection (a) on a case-by-case basis if—

8                 (1) the President determines that national secu-  
9           rity interests or humanitarian reasons justify a waiv-  
10          er of such requirements, except that humanitarian  
11          reasons may not be used to justify the waiver of  
12          such requirements to provide security assistance  
13          under Public Law 87-195, Public Law 90-629, or  
14          the Export-Import Bank Act of 1945; and

15                (2) at least 15 days before the waiver takes ef-  
16          fect, the President consults with the appropriate  
17          congressional committees regarding the proposed  
18          waiver and submits to the appropriate congressional  
19          committees a report containing—

20                         (A) the name of the recipient country;

21                         (B) a description of the national security  
22          interests or humanitarian reasons that require  
23          the waiver;

1 (C) the type and amount of and the jus-  
2 tification for the assistance to be provided pur-  
3 suant to the waiver; and

4 (D) the period of time during which such  
5 waiver will be effective.

6 **SEC. \_\_\_\_ . ADDITIONAL PROTOCOL AS A CRITERION FOR**  
7 **UNITED STATES ASSISTANCE.**

8 (a) **STATEMENT OF POLICY.**—It is the policy of the  
9 United States to ensure that each country that is a party  
10 to the Treaty on the Non-Proliferation of Nuclear Weap-  
11 ons should bring into force an Additional Protocol to its  
12 safeguards agreement with the IAEA.

13 (b) **CRITERION FOR ASSISTANCE.**—The United  
14 States shall, when considering the provision of assistance  
15 under Public Law 87-195 or Public Law 90-629 to a  
16 country that is a party to the Treaty on the Nonprolifera-  
17 tion of Nuclear Weapons, take into consideration whether  
18 the proposed recipient has in force an Additional Protocol  
19 to its safeguards agreement with the IAEA.

